

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

| | | |
|-------------------------------|---|-----------------------------|
| JANUARY CREWS-SANCHEZ, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 6:21CV00030 |
| |) | |
| FRITO-LAY, INC., |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF’S MOTION TO COMPEL DISCOVERY

COMES NOW Plaintiff January Crews-Sanchez, by counsel, and moves to compel discovery production by Defendant Frito-Lay, Inc. (hereinafter “Defendant” or “Frito-Lay”), pursuant to Rule 37 of the Federal Rules of Civil Procedure. In support thereof, Plaintiff states the following:

1. On March 1, 2022, Plaintiff propounded the following Request for Production of Documents¹ on Defendant:

Please provide all documents related to the issuance of any workplace discipline to any employee of Defendant at the Lynchburg facility accused of violating a confidentiality policy or otherwise improperly disclosing confidential information from January 1, 2017 through the date of this request, and include the type of disciplinary action taken including, but not limited to, reprimands, counseling, suspensions with or without pay, demotions, and/or terminations.

2. On March 31, 2022, Defendant made a document production allegedly responsive to this document request. *See* Def. Response to RPD 25, attached as **EXHIBIT 2**.

However, none of the documents cited in response were responsive to this request.

¹ Attached as **EXHIBIT 1**.

Indeed, Defendant stated that it refused to conduct a reasonable search for any such disciplinary actions because it would involve “looking through every employee’s personnel record.” A simple keyword search performed on the ESI dataset in Defendant’s possession, such as “discipl! AND confident! OR privacy /2 policy” or “warn! AND AND confident! OR privacy /2 policy” would have yielded any responsive documents. As such, Defendant’s response is unavailing.

3. This document request is relevant, as one of Defendant’s “legitimate, non-discriminatory reasons” for terminating Plaintiff’s employment was due to an alleged violation of Defendant’s “confidentiality/privacy policy.”
4. Plaintiff has attempted in good faith to resolve this discovery dispute with Defendant, but discovery deficiencies remain.
5. All support for Plaintiff’s motion is contained within this motion. *See* W.D. Va. L. Civ. R. 11(c).

WHEREFORE: Plaintiff January Crews-Sanchez, requests the following relief:

- A. That the Court enter an Order compelling Defendant to produce responsive documents to her Request for Production 25;
- B. That the Court enter an Order setting a date for compliance with its Order to compel production within 14 days of the hearing on the above motion;
- C. That the Court award attorney’s fees and costs for the filing of this motion, pursuant to Federal Rule of Civil Procedure 37; and
- D. For all other relief that the Court may find just and equitable.

Respectfully Submitted,

JANUARY CREWS-SANCHEZ

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CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of April, 2022, the foregoing was filed via the Court's CM/ECF system, which simultaneously sent notice to:

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